

## REMARKS

The claims remaining in this patent application following amendment are Claims 1 and 5-10. Claims 3 and 11-19 are cancelled by this Amendment. Claims 1 and 5-7 have been amended. No new claims are presented.

Claims 1, 3, and 5-19 are rejected under 35 U.S.C. 102(b) as being anticipated by the patent to Milinic (4,280,306). This rejection is respectfully traversed. Nevertheless, Claims 3 and 11-19 have been cancelled without prejudice and, therefore, the rejection thereof is rendered moot. To this end, the features of former Claim 3 have now been added to Independent Claim 1.

The patent to Milinic teaches a convertible enclosure comprising a plurality of arched support beams 3. The arched support beams extend between opposite side closure elements 4 and 5 having purlins 12 and 12'. The closure elements 4 and 5 are adapted to be raised up or lowered down along the support beams 3 by a winch 15 and cables 24 and 25. Thus, while the enclosure of Milinic is convertible, such convertiblity refers entirely to the movement of the closure elements and the purlins thereof relative to the arched support beams. However, the arched support beams 3 of Milinic at all times remain stationary and do not move relative to the side closure elements 4 and 5.

Contrast this to the applicant's Independent Claim 1, as currently amended, which recites a collapsible sports enclosure having first and second sides and, *inter alia*:

a support frame having a plurality of U-shaped frame members that are pivotally coupled to the first and second sides of said support base so as to be rotated relative to said support base from a collapsed position lying in generally horizontal end-to-end alignment with one another between the first and second sides of said support base with the sports enclosure is not in use to a raised position lying in generally vertical spaced alignment with one another and projecting upwardly from said first and second sides when said sports enclosure is in use.

No reasonable interpretation of Milinic would yield an enclosure that is the same as or equivalent to the applicant's collapsible enclosure as recited in Independent Claim 1, amended. That is, there is absolutely no suggestion in Milinic that the arched support beams (3) are pivotally coupled to the side close elements (4 and 5) so as to be rotated between a collapsed position lying in generally horizontal end-to-end alignment with one another between the side closure elements to a raised position lying in generally vertical spaced alignment with one another and projecting upwardly from the side elements. As indicated above, the arched support beams of Milinic are completely stationary, are not pivotally connected to side elements, and are incapable of rotating in any direction relative to the side elements.

The Examiner has attempted to manipulate the teachings of Milinic by suggesting that the purlins (12 and 12') are frame members of a support frame. While such purlins of Milinic are capable sliding along the arched support beams (3), these same purlins cannot be accurately regarded as "frame members" and, more importantly, are not pivotally connected to first and second sides so as to be rotatable relative to the sides from a collapsed position lying in generally horizontal end-to-end alignment with one another between the sides to a raised position lying in generally vertical spaced alignment with one another and projecting upwardly from the sides (see especially column 3, lines 21-29 of Milinic). In particular, while the applicant's claimed frame members are adapted to lie in generally horizontal end-to-end alignment with one another between the first and second sides when the frame members are rotated to the collapsed position, no such rotation to a horizontal end-to-end alignment in Milinic is possible regardless of the Examiner's interpretation.

In summary, the U-shaped arched support beams of Milinic are stationary and do not move or rotate at any time. Furthermore, the alignment of the purlins (which extend between adjacent arched support beams and not between first and second sides) relative to one another does not change as the purlins slide along the support beams from the collapsed to the raised position (see especially column 2, lines 32-36 of Milinic). Accordingly, it is believed that Independent Claim, amended, is patentable over any reasonable interpretation

of Milinic. Inasmuch as Independent Claim 1 is believed to be patentable, Claims 5-10, which depend therefrom, are likewise believed to be patentable.

Claims 1, 3, 5-8, 11-16, and 19 are also rejected under 35 U.S.C. 102(b) as being anticipated by the patent to Beaulieu (Re 31,565). This rejection is also respectfully traversed. As indicated above, Claims 3, 11-16 and 19 have been cancelled and, therefore, the rejections thereof are rendered moot.

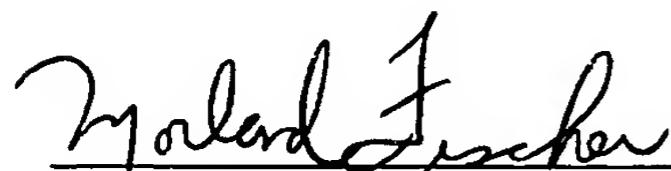
In making his rejection, the Examiner suggests that frame means 11 and 12 of Beaulieu represent U-shaped frame members in the manner described by the applicant. However, as is clearly shown by FIG. 3 of Beaulieu such frame members 11 and 12 are always spaced from one another, whether the portable shelter of Beaulieu is in the collapsed or raised position. In this regard, and as indicated above, the applicant's collapsible sports enclosure as recited in Independent Claim 1, amended, includes a plurality of U-shaped frame members that are pivotally coupled to first and second sides so as to be rotated to a collapsed position in generally horizontal end-to-end alignment with one another between such first and second sides. Because of the constant spaced nature of the frame means 11 and 12 of Beaulieu, such frame means can never be rotated to lie in generally horizontal end-to-end alignment with one another in the manner recited by the applicant in Independent Claim 1, amended. In particular, FIG. 2 of Beaulieu shows the portable shelter in the collapsed position with the frame members folded up and lying in spaced, parallel alignment, but never in horizontal end-to-end alignment with one another. This spaced,

parallel alignment illustrated by Beaulieu is not the same end-to-end alignment as recited by the applicant in Independent Claim 1, amended.

Therefore, Independent Claim 1, amended, is also believed to be patentable over any reasonable interpretation of Beaulieu. Inasmuch as Independent Claim 1, amended, is believed to be patentable, Claims 5-10, which depend therefrom, are likewise believed to be patentable.

In view of the foregoing, each of Claims 1 and 5-10 which now remains in this patent application is believed to recite a patentable collapsible sports enclosure. Accordingly, reconsideration of the Examiner's final rejection is requested and a Notice of Allowance is earnestly solicited.

Respectfully submitted,



Morland C. Fischer  
Morland C. Fischer  
Registration No. 26881  
Attorney for the Applicant  
2030 Main Street, Suite 1050  
Irvine, California 92614  
(949) 476-0600 (telephone)  
(949) 476-0606 (facsimile)



Dated